

REMARKS

This Response to Office Action is responsive to the Office Action mailed April 28, 2005. Claims 1-21 remain pending in the application.

The Examiner rejected Claims 1-21 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,875,103 to Matousek et al. ("Matousek"). However, the Examiner noted that "[t]his rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed by not claimed in the reference was derived from the inventor of this application and is thus not the invention 'by another,' or by an appropriate showing under 37 CFR 1.131." (See Office Action, Page 2.)

Only Inventors Matousek and Ricketts conceived of the cab platform arrangement and its method of use for visually monitoring and accessing the combine, more generally, a cab platform arrangement having a rear platform portion positioned between the space between the cab and the combine body to allow an operator to visually monitor and access the combine, the platform further including at least one side platform portion connected to the rear platform portion, the at least one side platform portion extending forward along a side of the cab. The above cab platform arrangement, and method of use thereof, are claimed by Claims 1-21 of the '972 Application and disclosed by Figures 1-13 of the '103 Patent, but not claimed therein. Both Inventors Matousek and Ricketts hereby submit corresponding Declarations under 37 C.F.R. 1.132 in support of the above, truthful statements.

Accordingly, the rejection of Claims 1-21 of the '972 Application as being anticipated under 35 U.S.C. § 102(e) by the '103 Patent is inappropriate because the

invention has not been described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the application for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent. (See 35 U.S.C. § 102(e).)

In summary, in light of the enclosed Declarations, the rejection of Claims under 35 U.S.C. § 102(e) is improper and should be removed. Accordingly, Claims 1-21 are believed to be in condition for Allowance. Favorable action and Allowance of all of the claims is therefore respectfully requested. If the Examiner has any further requirements or suggestions for placing the present claims in condition for Allowance, Applicants' undersigned attorney would appreciate a telephone call at the number listed below.

No fee is believed to be due to the U.S. Patent and Trademark Office ("USPTO") at this time. However, the USPTO is authorized to charge any amount deemed necessary, or credit any overpayment, to secure entry of this Response to Office Action to CNH America LLC Deposit Account Number 03-1025.

Respectfully submitted,



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